

## REMARKS

### I. INTRODUCTION

Claims 29, 32 and 35 have been amended. No new matter has been added. Claims 29-35 remain pending in the above-referenced application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are in condition for allowance.

### II. THE U.S.C. § 103(a) REJECTION SHOULD BE WITHDRAWN

Claims 29-31, 33, and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 5,423,830 to Schneebaum et al. ("Schneebaum") in view of United States Patent No. 5,190,542 to Nakao et al. ("Nakao").

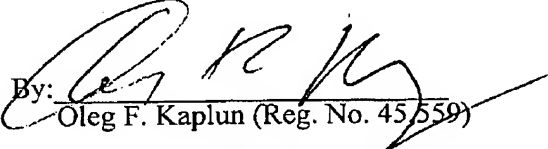
Claim 29 has been amended to recite "applying a vacuum pressure to an interior of the flexible cup, the vacuum pressure causing the selected portion of tissue to move from a position outside of the flexible cup to a position in an interior of the flexible cup". In Schneebaum, "web member 22 may be subjected, on a concave side, to a vacuum underpressure tending to hold an entrained object in the web member" (See Schneebaum, col.5, ll.10-13). Schneebaum does not use vacuum pressure to transport selected tissue in the manner recited in the claim. Rather, Schneebaum uses vacuum pressure to render immobile against the wall of web member 22 to render tissue that had previously been drawn into the web member through non-vacuum means (See *Id.*, col. 5, ll. 43-47). Since Nakao does not overcome this deficiency in Schneebaum, withdrawal of this rejection is respectfully requested.

CONCLUSION

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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By:   
Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP  
150 Broadway, Suite 702  
New York, New York 10038  
Tel: (212) 619-6000  
Fax: (212) 619-0276